IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.5385 OF 2006

Shri Ashok Rajaram Nalawade & Anr. .. Petitioners
vs
Shri Maharani Radhabai Vidyarthi
Vasatigriha, Radhanagari, Kolhapur .. Respondent.

M/s J. Shekhar & Co for the petitioners.

CORAM : D.B.BHOSALE,J.
DATE : 16.08.2006

PC:

1. Heard the learned counsel for the petitioners.

2. The petitioners, in this petition, have impugned the order dated 11.7.2006 passed by the Deputy Charity Commissioner, Kolhapur Region, Kolhapur, rejecting the application at Exhibit-9 in Inquiry Application No.91 of 2006 filed by the petitioners under section 41(A) of the Bombay Public Trusts Act, 1950. In the said Inquiry Application the petitioners are seeking directions to allow them to hold election of the trust according to the provisions of the scheme framed by the Deputy Charity Commissioner, Kolhapur. The petitioners, in the application Exhibit-9, have prayed for hearing of the application (Inquiry Application No.91/2006) without issuing notice to the trustees, who were appointed by the order dated 3.8.1989 by the Deputy Charity

Commissioner, Kolhapur. That prayer has been rejected by the impugned order. Admittedly those trustees are holding charge of the trust even today. No orders, in my opinion, could be passed without hearing those trustees on the Inquiry Application no.91 of 2006. No case for interference by this Court under Article 227 of the Constitution of India is made out. The writ petition is dismissed.

. It is open for the petitioners to take steps to add all the trustees as parties in the main application under section 41(A) of the Bombay Public Trusts Act, 1950. If such steps are taken within four weeks from today, the Deputy Charity Commissioner shall decide the Inquiry Application no.91 of 2006 on merits in accordance with law as expeditiously as possible and preferably within a period of 12 weeks therefrom.

(D.B.BHOSALE,J.)